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APR 07 2003

OFFICE OF PETITIONS

In re Application of	:
Russell A. Brierley et al	:
Application No. 09/614,947	: DECISION ON PETITION
Filed: July 12, 2000	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 02655-046005	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 29, 2003, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of the prior-filed nonprovisional applications.

The petition is **DISMISSED** as moot.

The instant application was filed on July 12, 2000. A petition under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. See MPEP Section 201.11 and 65 FR 57024 (Sept. 20, 2000). Therefore, the petition is dismissed as involving a moot issue.

In view of the above, the \$1,300 fee submitted for the petition under 37 CFR 1.78(a)(3) is unnecessary and will be credited to Deposit Account No. 23-3050 as authorized.

Any inquiries concerning this decision may be directed to Karen Creasy at (703) 305-8859.

The application is being forwarded to Technology Center Art Unit 1647 for processing the amendment filed January 29, 2003.

Frances Hicks
Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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REQUEST FOR PATENT FEE REFUND

1 Date of Request:	2 Serial/Patent # <u>09/614947</u>		
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No Fee Due (Explanation):		<u>Petition dismissed as moot.</u>	
11 REFUND REQUESTED BY:			
TYPED/PRINTED NAME: <u>Karen Creasy</u>		TITLE: <u>Petr, Extr.</u>	
SIGNATURE: <u>Karen Creasy</u>		PHONE: <u>305-8859</u>	
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